Absence Management Guidance – Panel Member

Click on the section you require, you will be taken directly to the correct section of this document

Contents

Panel member participation 2
Confidentiality 2
Meetings/hearings 2
Record keeping 4

Action	Supporting Information
Familiarise yourself with the Policy	This guidance must be read in conjunction with the Absence Management Policy.
Panel member participation	Participation of panel members within Absence Management are required at the following stages: • Final Stage review • Medical Capacity review • Appeal hearing
Confirm that you are **available** to be a member of the panel and that you have **no conflict of interest** in the case	You will be approached by the Chair/Appeal Convener or HR Case Manager supporting the case to ask whether you are available to participate as a panel member at an upcoming meeting/hearing. If you are scheduled to be away on leave or at events etc. over the next 1-4 weeks, discuss with the Chair/Appeal Convener or HR Case Manager supporting the case – if you are not available for a significant number of days over that period you may not be able to be part of the panel and the Chair/Appeal Convener/HR Case Manager will find someone else. Check that you do not have any conflicts of interest that would prevent you participating in the meeting and reaching a decision objectively. If you do have a conflict advise the HR Case Manager supporting the case at the earliest opportunity. Check the Conflict of Interest Policy for guidance.
Confidentiality	Having confirmed that you are available and don't have any conflict of interest, the Chair of the upcoming absence meeting/appeal hearing will send you the relevant documentation relating to the case. The information provided in preparation for the meeting/hearing is classed as a "special category" of personal information. It is legitimately justified that this is shared with you as per the University's Privacy Notice for Staff, as we are required to be able to support staff at work, manage their attendance, carry out our obligations relating to Statutory Sick Pay and assess employee's capacity to work. You must not discuss or disclose any of the personal information you are privy to, beyond those involved in the case.
Plan for the meeting/hearing	Make sure you go through all documents provided to you by the Chair thoroughly and highlight any areas where you want to find out more or have queries. Consider what questions you have for the employee. Read the Absence Management Policy to make sure you are familiar with the formal process including what sanctions are available at the stage in which you are involved. The Chair/Appeal Convener will arrange a pre meeting with you and the other panel member if there is one and you can agree what questions

	you will ask. This can be immediately before the meeting if an alternative time can't be found.
The Meeting	The Chair will outline the schedule of the meeting at the start, to ensure all present have a clear understanding of the format.
The Meeting – Panel responsibilities and **possible outcomes**	**Final stage review meeting** The possible outcomes are: • **No formal action** – the Chair instructs the employee's line manager to continue to monitor the employee's attendance levels under stage 2 of the Absence Management procedure. The final warning previously issued at the Stage 2 Review meeting remains on file until it's expiry at the end of the original two year warning period. • **Recommendations may be made, in addition to any sanction short of dismissal**. These may include: ○ **Reasonable adjustments** – either short or long-term. Please refer to the Reasonable Adjustments Policy for further information. ○ **Further medical advice sought** – the Chair refers back to the employee's line manager to submit a further Management Referral to OHS • **Dismissal** – the employee is dismissed for poor attendance. The dismissal takes effect immediately. The chair will discuss this with the HR Case Manager supporting the case in advance of confirming this outcome to the employee, to ensure all considerations have been made and any risks have been appropriately assessed, and to clarify whether pay in lieu of notice applies if the dismissal proceeds. **Medical Capacity Review** The purpose of a Medical Capacity Review is to give full consideration to: • All available medical information • Any adjustments which have been made • Any adjustments which could be made but have not been made yet • Any opportunities which have been considered for redeployment • The requirement for any further medical information, if any • The need to get the work done • The requirement for the employee in particular to do the work • Any additional costs being incurred as a result of the employee's illness/infirmity/continued absence • And any other relevant information On considering all of the above, your role at this stage is to determine whether the School/Department in which the employee is based, and ultimately the University as the employee's employer: • has exhausted all options available to it

	• can further accommodate the employee remaining off sick for a further, defined or undefined period of time. If the panel believes all options to support the employee back to work have been explored and exhausted and it is no longer reasonable to support their inability to work, the employee's employment should be brought to an end, i.e. they should be dismissed. **Appeal hearing** The possible outcomes are: • the appeal is turned down and the original decision is confirmed • the appeal is supported and the sanction is removed or replaced with a lower one. If the appeal against **dismissal** is supported the panel may additionally reinstate the employee to their role or explore opportunities for redeployment to an alternative role. During the **adjournment** the panel must decide what sanction is appropriate based on the circumstances leading to the meeting, any current warnings the employee has, the likelihood of a successful return to work/ sufficient improvement in attendance etc. Or In the case of an appeal the panel must decide if the action taken by the original panel was fair and reasonable. The panel should reach a decision collectively. You must take due time to consider the information from the hearing. However, an adjournment should **not be for an extended period** and you should reach a decision as soon as practicably possible. It will be stressful for the employee waiting to know the outcome. Once a decision has been reached, the Chair must reconvene the meeting and deliver the outcome verbally, explaining that it will also be confirmed in writing and informing the employee of their right to appeal (if they are dismissed). If you need more time because there is a lot to consider or you need clarification on any issues e.g. procedural/OH advice, the Chair/Appeal Convener can advise the employee that you require more time to reach a decision and they will be notified of the outcome verbally and in writing and when they will do so.
Housekeeping	All records relating to the case must be kept centrally on the employee's digital file. Subsequently, you must submit all hard copies of any notes you have made and any other documentation you have been provided with to the HR Case Manager supporting the case. Delete any electronic copies you

	have been given or have made yourself as soon as you have submitted everything to the HR Case Manager.